

REMARKS/ARGUMENTS

Claims 1-10 remain in the application for further prosecution. Claims 1 and 6 have been amended.

§ 112 Rejection

Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner objected to the use of the term “weighted average” as not being clear to one having ordinary skill in the art.

Claims 1 and 6 have been amended to clarify that the “weighted average” that is applied by the processor, is a predetermined weighted average. It is the Applicants’ belief that this language clarifies the meaning and is supported by the specification. The specification, at pages 11-14, describes that the CPU uses a predetermined weighted average (which may be varied for different games) to determine whether the second symbol type – an “O” in the particular embodiment being described – should be placed in the best, unoccupied location.

Furthermore, the Applicants are allowed to be their own lexicographers, and can define terms in a certain way in the specification. In the present application, the Applicants have defined the term “predetermined weighted average” as described above. Therefore, in light of the definition in the specification, the Applicants believe that the term is properly defined.

§ 103 Rejections

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 98/09259 to Bennett (“Bennett”) in view of U.S. Patent No. 6,213,873 to Gasper et al. (“Gasper”).

As stated above, independent claims 1 and 6 have been amended to clarify that the weighted average is a predetermined weighted probability. This feature is not taught or disclosed by either Bennett, Gasper, or a combination thereof. Bennett does not disclose using any type of weighted probability. As stated by the Examiner, Gasper uses a weighted probability that is adaptable to the player's level of skill and is not based upon a set function for playing. Instead, the weighted average changes as the processor learns about the skill level of the player. In contrast, the current game uses a predetermined weighted probability that does not take into account the level of skill of any particular player.

Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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